

REMARKS

Claims 1-9 are pending and stand rejected. New claim 10 has been added.

Claims 1-8 stand rejected under 35 USC 101. Applicant appreciates the Examiner's suggestions and has amended the claims to more distinctly recite structural features. Reconsideration and withdrawal of the rejection in view of the amendments is respectfully requested.

Claims 1, 2 and 6 stand rejected under 35 USC 103(a) as being unpatentable over Greene (US 6377925) in view of Dumais (US 20040267700). Applicant respectfully traverses as follows.

Greene discloses an electronic translator which decodes voice into text, displays the text and/or displays a sign language and possibly speaks the decoded word. A device according to Greene does not **store any of the decoded speech**. There is no record mode in which decoded text is stored into memory, a feature of claim 1. A device according to Greene only translates voice into text – there are no implicit or explicit data processing requests. Consequently, Greene fails to disclose or suggest any way for distinguishing between implicit and explicit processing requests. As such, Greene fails to disclose or suggest the aspect of the invention where a dialog manager module executed by the microprocessor is configured to **examine the decoded text** to distinguish between explicit and implicit data processing requests in the record mode.

The rejection states “Greene discloses the claimed aspect of said dialog manager examining said decoded text received data processing request, said dialog manager immediately queuing data processing requests in FIG. 6A, wherein after the speech is converted to text in 122, the text is parsed and analyzed and words are put in queue.” This assertion is inapposite because Greene does not examine the decoded text **to distinguish between implicit or explicit processing requests**. Greene examines the decoded text to see whether it has been correctly decoded, and to check to see if there is a video corresponding to the decoded text. But the text itself does not contain a data processing request, a feature of the claimed invention.

Greene fails to disclose or suggest the feature of claim 1 where implicit data processing requests are requests which are queued and processed in the background between explicit requests and explicit data processing requests are requests immediately passed to the microprocessor. Green may put **text in a buffer** but Greene does not disclose or suggest queuing **implicit data requests** while immediately passing explicit requests to the microprocessor. Still further, Green fails to disclose or suggest the feature of claim 1 where said dialog manager is configured to treat all requests received in said dialog mode as explicit data processing requests.

Not only does Green fail to disclose any of the above-recited features, but there is no motivation for one of ordinary skill in the art to modify a device according to Green to

include the recited record mode because the primary object of Green is to provide real-time translation. The concept of recording a conversation is antithetical to the stated goal of a real-time translation device. In contrast, the main purpose of the present patent is the recording of spoken text for later retrieval. In this sense, it is more akin to a conventional diary; only that retrieval is done by voice and features a non-linear fashion of access to data.

The hallmark of a personal information manager is a device which stores and retrieves information. A device according to Greene neither stores nor retrieves information, personal or otherwise. For this reason, Greene cannot be considered a personal information manager, and therefore Greene is not within the same field of endeavor as the claimed invention.

Like Greene, Dumais fails to disclose or suggest the feature of the claimed invention wherein the dialog manager has a record mode and a dialog mode, and in “said record mode said dialog manager **examining said decoded text received** to determine whether it contains an explicit or an implicit data processing request.” The Examiner advances that Dumais’ Abstract discloses the feature of the claimed invention of examining the decoded text to distinguish between implicit and explicit data processing requests. This assertion is misplaced because explicit requests are never encoded in the text in a device according to Dumais. Rather, Dumais teaches “**Input options include**

explicit, implicit, and standing queries for retrieving data along with explicit and implicit tagging of items for ease of recall and retrieval. “ Dumais Abstract.

Thus Dumais is teaching that the **input option** may include an explicit query. Dumais does not disclose examining the decoded text to identify explicit data processing requests. Even assuming, for the sake of argument, motivation to combine Greene’s disclosure with Dumais, the combination fails to disclose or suggest examining the decoded text for explicit data processing requests.

The motivation advanced by the Examiner for combining the teachings of Greene with Dumais are as follows: “It would be obvious to one of ordinary skill in the art at the time of the invention to combine Greene's speech based communication with Dumais' explicit, implicit and standing queries, because this would allow to prioritize processes”.

Applicant respectfully notes that there are no processes to prioritize in either Dumais or Greene. Again, Greene discloses a **real-time** system in which spoken words are **immediately** decoded into text and the text or a person signing the text is displayed. There is nothing to prioritize, and consequently the reason advanced by the Examiner for combining these two references is inapposite. The present rejection fails to provide a clear articulation of the reasons why the claimed invention would have been obvious. Accordingly, the Examiner has not demonstrated *prima facie* obviousness. For at least

these reasons, Applicant respectfully requests that the rejection of claim 1, 2 and 6 be reconsidered and withdrawn.

Claims 3-5, and 7-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Greene in view of Dumais and in further view of Dunning US 7,162,482.

As a preliminary matter, Applicant respectfully traverses the rejection of claims 3-5 and 7-9 for the reasons articulated above in traversing the rejection of claims 1, 2 and 6.

Applicant further traverses the rejection as applied to claims 3 and 4 because the combination fails to disclose the feature wherein the dialog manager identifies an explicit data processing request during said *dialog mode* by comparing said *decoded text* against a list of predefined data processing requests, assigning a match score to each of said predefined data processing requests and selecting said predefined data processing request having a highest matching score as said explicit data processing request.

None of the cited references examine the decoded text to see whether it contains an **explicit data processing request**. Greene decodes audio into text and processes the text but **never checks the text to see if it contains a request**. Greene discloses a dictionary but the dictionary is never used to determine explicit data processing requests but rather to see whether the word was correctly decoded. Dumais indexes and stores text but **never checks to see if the text contains a request**. Dunning too fails to

examine decoded text to see if it contains an explicit data processing request. Thus the combination fails to disclose or suggest features of claims 3 and 4.

With respect to Claim 5, the rejection fails to address the features of the claim with specificity and fails to point to those portions of Dunning relied upon in support of the rejection. For Example, the Examiner asserts that “Dunning discloses the claimed aspect of otherwise(\geq threshold) passes characteristic words selected from said retrieved data records, and said dialog manager instructs said output module to prompt the user to select a given said characteristic word used refine the data processing request, wherein FIG. 8 shows a method of forming a word from letters.” There is a mismatch between the literal words of the rejection and the features of the claim. FIG. 8 of Dunning does not disclose or suggest anything relevant to the features of Claim 5. Applicant respectfully requests that the Examiner cite where Dunning discloses information storage/retrieval module passes to said dialog manager a specified number of data records retrieved in response to said data processing request if a number of retrieved data records is below a threshold number and otherwise passes characteristic words selected from said retrieved data records, and said dialog manager instructs said output module to prompt the user to select a given said characteristic word used refine the data processing request.

Applicant further traverses the rejection as applied to Claims 7 and 8 because the asserted combination fails to disclose the recited features of the claims. The claims recite

specific features whereas the rejection asserts broad principles which fail to disclose or render obvious the recited features.

For example, claim 7 recites that the information storage/retrieval module stores atoms of data, each said atom having a unique identifier; and that the local word table contains a list of words contained in each atom of data and the number of times each word appears in a given atom. The cited combination of references fails to disclose or suggest this feature of claim 7. Claim 7 further recites that if a number of atoms matching a data retrieval request exceeds a predetermined number, the dialog manager *prompts a user to select a given characteristic word from a list of characteristic words*, said characteristic words being derived from the local word tables of atoms matching said data retrieval request, said selected characteristic word being appended to a search string of the data retrieval request, thereby reducing the number of atoms matching a data retrieval request. Again, the cited combination of references fails to disclose or suggest this feature of claim 7.

Applicant respectfully repeat the assertion from the previous response (Amendment A) that the rejection has not addressed any of the features of claim 9, and has not therefore presented a *prima facie* case of obviousness. Claim 9 recites features which are *not* recited in claims 1-8 and these features are not addressed in the rejection. Therefore, the Examiner still has the burden of establishing obviousness -- Applicant

only has the duty to traverse once the Examiner has met his statutory burden of establishing *prima facie* obviousness. For this additional reason, Applicant traverses the rejection of claim 9.

Additionally, Applicant respectfully requests that the finality of the rejection be withdrawn because the Examiner has not provided grounds for rejecting Claim 9.

Should the claims herein be allowable but for minor matters that could be the subject of either a further submission by Applicants or an Examiner's Amendment, Applicants would appreciate the Examiner's contacting Applicants' undersigned attorney.

Reconsideration and allowance of all the claims herein are respectfully requested.

Respectfully Submitted,
/Jonathan Feuchtwang/

January 19, 2009

Jonathan D. Feuchtwang
Registration No. 41,017

Customer Num 33525
Direct: 650-245-1572
Email: jdf@chicagoiptech.com